

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
Marie Sosa

Case No.: 15-31662  
Judge: \_\_\_\_\_  
Chapter: 13

Debtor(s) "1st Modified plan"

**Chapter 13 Plan and Motions**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input type="checkbox"/> No Discharge Sought         |

Date: September 11, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ \$706.00 per month to the Chapter 13 Trustee, starting on October 1, 2017 for approximately 38 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
William H. Oliver Jr.	Administrative Expenses	\$

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage-1st Mortgage	208 Daisy Court Jackson NJ 08527	\$6,547.16 (plan balance)	0%	\$6,547.16 (plan balance)	\$621.00
60 Acre Reserve Condo Association	Condo Fees	\$1,487.47 (plan balance)		\$1,487.47 (plan balance)	\$189.00

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Wells Fargo	2014 Honda Civic	\$17,188.29 (plan balance)	\$12,000.00	\$0	\$17,188.29 (plan balance)	4.25%	\$17,188.29

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 0 to be distributed *pro rata*  
☐ Not less than \_\_\_\_\_ percent  
☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Wells Fargo Dealer Services	2014 Honda Civic	\$18,000.00	Interest over 4.25% rate

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims - William H. Oliver Jr.
- 3) Secured Claims - 1st Mortgage, Condo Assoc, Auto loan
- 4) Lease Arrearages
- 5) Priority Claims 6) General Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: November 11, 2015.

<p>Explain below <b>why</b> the plan is being modified:</p> <p>Plan is being modified to recapitalize the plan. With current balances the plan will be 706 x 38 remaining months of plan starting October 1, 2017.</p>	<p>Explain below <b>how</b> the plan is being modified:</p> <p>Part 1a is changed to \$706 x 38 remaining months beginning October 1, 2017.</p>
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: September 11, 2017

/s/William H. Oliver Jr.  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: September 11, 2017

/s/Marie Sosa  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Marie Sosa  
 Debtor

Case No. 15-31662-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 28

Date Rcvd: Sep 13, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 15, 2017.

db +Marie Sosa, 208 Daisy Court, Jackson, NJ 08527-2583  
 cr +Sixty Acre Reserve Condominium Association, Inc., Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635  
 cr +Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, 1451 Thomas Langston Rd., Winterville, NC 28590-8872  
 515855754 #+AcB Receivables Mngmt, 19 Main St, Asbury Park, NJ 07712-7012  
 515855755 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr, Richmond, VA 23238)  
 515895398 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 515855756 +Centra State Medical Center, 901 West Main Street, Freehold, NJ 07728-2549  
 515855757 +Central Jersey Emergency Medicine, PO Box 7200, Freehold, NJ 07728-7200  
 515855758 +Cutolo Mandel LLC, 151 Highway 33 East, Ste. 204, Manalapan, NJ 07726-8635  
 515855760 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868  
 515855761 +Jersey Shore Anesthesiology, P.O. Box 307, Neptune, NJ 07754-0307  
 515855762 +Leonard H. Franco Jr., 1037 Raymond Blvd, Suite 710, Newark, NJ 07102-5427  
 515989809 +MidFirst Bank, 999 Northwest Grand Boulevard, Oklahoma City, OK 73118-6051  
 515855765 +Midland Mtg/Midfirst, 999 Nw Grand Blvd, Oklahoma City, OK 73118-6051  
 516046311 Navient Solutions, Inc. Department of Education, Loan Services, P.O. Box 9635, Wilkes-Barre, PA 18773-9635  
 515855767 +Sixty Acre Reserve Condominium Assoc, C/O Cutolo Mandel LLC, 151 Highway 33, Suite 204, Englishtown, NJ 07726-8635  
 515860278 +Sixty Acre Reserve Condominium Association, Inc., c/o Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635  
 515902925 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, PO Box 19657, Irvine, CA 92623-9657  
 515855768 +Wfds, Po Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 13 2017 22:57:25 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 13 2017 22:57:21 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 515895708 +E-mail/Text: dkretschmer@bchaselaw.com Sep 13 2017 22:57:16 ACB Receivables Management, Inc., c/o Bart A. Chase, Esq., PO Box 871, Summit, NJ 07902-0871  
 515855759 +E-mail/PDF: pa\_dc\_ed@navient.com Sep 13 2017 22:55:25 Dept Of Ed/Navient, Po Box 9635, Wilkes Barre, PA 18773-9635  
 515855763 +E-mail/Text: Meridianbankruptcy@meridianhealth.com Sep 13 2017 22:58:08 Meridian Health Pt Pymt, PO Box 417140, Boston, MA 02241-7140  
 515855764 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 13 2017 22:57:20 Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709  
 516039442 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Sep 13 2017 22:57:35 Premier Bank, LLC, c o Jefferson Capital Systems LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999  
 516039499 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Sep 13 2017 22:57:35 Premier Bankcard, LLC, c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 515855766 E-mail/Text: bankruptcy@savit.com Sep 13 2017 22:58:21 Savit Collection Agency, PO Box 250, East Brunswick, NJ 08816-0250

TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.



District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 28

Date Rcvd: Sep 13, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 15, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 12, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Hubert C. Cutolo on behalf of Creditor Sixty Acre Reserve Condominium Association, Inc.  
hcutolo@cutololaw.com  
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer  
Services ecfmail@mortoncraig.com, mortoncraigeef@gmail.com/mhazlett@mortoncraig.com  
William H. Oliver, Jr. on behalf of Creditor MidFirst Bank bkwoliver@aol.com,  
r59915@notify.bestcase.com  
William H. Oliver, Jr. on behalf of Debtor Marie Sosa bkwoliver@aol.com,  
r59915@notify.bestcase.com

TOTAL: 6